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VIA ECF

Hon. A. Kathleen Tomlinson, USMJ
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

RE: *Castillo, et al. v. Perfume Worldwide, et al.*, 17-cv-02972-JS-AKT

Dear Judge Tomlinson:

I represent the Plaintiffs in the above referenced matter. I write to advise the Court that upon reconsideration, Plaintiffs withdraw the motion seeking an order finding that the attorney client privilege has been waived by Perfume Worldwide, Inc. and Perfume Center of America, Inc.

This is a unique case in which Perfume Center of America, Inc. (a non-party) has injected itself into this litigation by submitting privileged attorney-client communications in support of Perfume Worldwide's good faith affirmative defense. In turn, Perfume Worldwide, Inc. is claiming that it relied on communications, including an email produced, between the Scher Law Firm and Perfume Center of America, Inc. in forming its own policies. This forms the basis for Perfume Worldwide's affirmative defense.

Plaintiffs submitted a memorandum of law in Opposition to the Motion to Quash and in Support of an order finding that the attorney client privilege has been waived ("Plaintiff's Brief"). However, upon reconsideration it is clear from the motion papers and opposing briefs that the nature and scope of the waiver is already the central issue on the Motion to Quash., and a further order is unnecessary.

Plaintiffs will therefore file Plaintiffs' Brief, but only for the purpose of opposing the motion to quash.

Respectfully submitted,

Steven John Moser